

S/N 10/692,779

PATENT

CONF. NO.: 8962

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Scott E. Dart	Examiner:	Gregory M. Desire
Serial No.:	10/692,779	Group Art Unit:	2624
Filed:	10/24/2003	Docket No.:	14917.0677USI1/3058 81.01
Title:	SYSTEMS AND METHODS FOR THE IMPLEMENTATION OF A DIGITAL IMAGES SCHEMA FOR ORGANIZING UNITS OF INFORMATION MANAGEABLE BY A HARDWARE/SOFTWARE INTERFACE SYSTEM		

Filed via EFS-WEB

**RESUBMITTED PETITION TO EXPUNGE PURSUANT
TO 37 CFR § 1.59 & MPEP § 724.05**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, a Petition to Expunge Pursuant To 37 CFR § 1.59 & MPEP § 724.05 ("Previous Petition") was previously submitted on January 23, 2008 with the documents listed on Exhibit A hereto ("Materials"), which were filed in sealed envelope(s) pursuant to MPEP § 724.02. The Previous Petition was dismissed as being untimely in a Decision on Petition Under 37 CFR §1.59. The Decision on Petition stated:

During prosecution on the merits, the examiner will determine whether or not the information submitted on 23 January 2008 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

Decision on Petition, June 11, 2008.

Prosecution on the above-identified application is now closed. A notice of allowance was mailed on October 27, 2011. Therefore, this Resubmitted Petition to Expunge is now being filed.

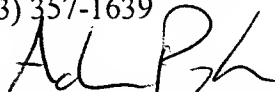
To the extent that any of the Materials are found not to be important to a reasonable examiner in deciding upon patentability ("Criteria"), Petitioner requests that all of the Materials, or any portion of such Materials not meeting the Criteria, be expunged and removed from the official file for the above-identified application.

Pursuant to MPEP § 724.05, Petitioner makes the following statements:

1. The materials are proprietary subject to a legal obligation in: Commission of European Communities vs. Microsoft, Case No. COMP/C-3/37792 (hereafter, "Litigation");
2. The Materials have not otherwise been made public;
3. Petitioner commits to retain the Materials for the period of any patent with regard to which the Materials are submitted;
4. This petition to expunge is being made on behalf of the party in interest on whose behalf the Materials were submitted; and
5. The appropriate fee, as set forth in 37 C.F.R. § 1.17(g), should be charged for a large entity to Deposit Account No. 13-2725. *[NOTE: The fee has already been paid with the Petition to Expunge filed on January 23, 2008.]*

Please contact the undersigned if any further information is needed with respect to this petition. No fee is believed to be due with this filing. However, please charge any additional, necessary fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,
MERCHANT & GOULD P.C.
P.O. Box 2903
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(303) 357-1639



Name: Andrew Pouzeshi
Reg. No.: 67,672

Date: January 30, 2012

Exhibit A
List of Materials Submitted Under Seal Pursuant to MPEP § 724.02

	Microsoft Corporation. <i>Innovation Report Microsoft Distributed File System Replication</i> . July 31, 2006; pp. 1-40.
	Advisor to the Monitoring Trustee. <i>Innovation Report Review Distributed File System Replication (DFS-R)</i> . December 3, 2006; pp. 1-4.
	Advisor to the Monitoring Trustee. <i>Review of Distributed File System - Replication Innovation Report</i> . January 25, 2007; pp. 1-4.
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims - (DFS-R)</i> . Annex I to the Statement of Objections in Case 37792; February 22, 2007; pp. 2-4.
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims - Microsoft's Claimed Innovative Intellectual Property in Distributed File System Replication (DFS-R1)</i> . Annex 5; February 22, 2007; Part 1, Section 2.
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims - (DFS-R)</i> . Annex 4; February 22, 2007.
	Microsoft Corporation. <i>Innovations in Distributed File System Replication (DFS-R) Protocol</i> . Filed April 23, 2007; pp. 1-13.
	Advisors to the Monitoring Trustee. <i>Summary Review of Microsoft Innovation Claims - Microsoft's Claimed Innovative Intellectual Property in Distributed File System Replication (DFS-R1)</i> . March 3, 2007; Part 1, Section 2.
	Microsoft Corporation. <i>Microsoft's Comments on the "Trustee Summary Review of Microsoft Innovation Claims" dated 3 March 2007</i> . Appendix A; June 11, 2007; pp. 28-29.
	Monitoring Trustee. <i>Reply to Microsoft Response to the Statement of Objections (SO) Case 37792 - (DFS-R)</i> . The Commission's Assessment of Microsoft's Innovation Claims (Annex Table); July 8, 2007; pp. 7-10.

	Monitoring Trustee. <i>Reply to Microsoft Response to the Statement of Objections (SO) Case 37792 - (DFS-R / FRS2) Microsoft's Innovation Claims for the Distributed File System Replication Protocol</i> . July 8, 2007; Section 10.
	Monitoring Trustee. <i>Reply to Microsoft Response to the Statement of Objections (SO) Case 37792 (Updated References)</i> . July 8, 2007.
	Microsoft Corporation. <i>Reply to Arguments Regarding Distributed File System Replication (DFS-R) Protocol</i> . Filed August 31, 2007; pp. 1-7.